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July 7, 2004

**VIA HAND DELIVERY**

Ms. Deborah Taylor Tate, Chairman  
TENNESSEE REGULATORY AUTHORITY  
460 James Robertson Parkway  
Nashville, Tennessee 37243

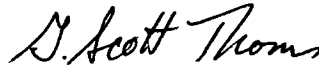
**Re: *Petition of Tennessee Wastewater Systems, Inc. to Amend its Certificate of Convenience and Necessity, Docket No. 03-00329***

Dear Chairman Tate:

Enclosed for filing in the above-referenced docket are the original and thirteen copies of the Rebuttal Testimony of John Raymond Jagger on Behalf of The City of Pigeon Forge.

Should you have any questions with respect to this filing, please do not hesitate to contact me at the number shown above. Thank you in advance for your assistance with this matter.

Yours truly,



G. Scott Thomas

GST/kt  
Enclosure

cc: Jim Gass, Esq. (w/enclosure)  
Ms. Sharla Dillon (w/enclosure)

**BEFORE THE TENNESSEE REGULATORY AUTHORITY  
NASHVILLE, TENNESSEE**

<b>IN RE:</b>	)	
	)	
<b>PETITION OF ON-SITE SYSTEMS, INC. TO</b>	)	<b>Docket No. 03-00329</b>
<b>AMEND ITS CERTIFICATE OF</b>	)	
<b>CONVENIENCE AND NECESSITY</b>	)	
	)	
<b>and</b>	)	
	)	
<b>PETITION OF TENNESSEE WASTEWATER</b>	)	<b>Docket No. 04-00045</b>
<b>SYSTEMS, INC. TO AMEND ITS</b>	)	
<b>CERTIFICATE OF CONVENIENCE</b>	)	
<b>AND NECESSITY</b>	)	

**REBUTTAL TESTIMONY OF JOHN RAYMOND JAGGER**  
**ON BEHALF OF THE CITY OF PIGEON FORGE**

Counsel for Intervenor, the City of Pigeon Forge (the "City"), submits the following rebuttal testimony of John Raymond Jagger for stipulation by the parties to this proceeding and for subsequent incorporation into the record at the hearing in this docket set for July 13, 2004. This rebuttal testimony is submitted in response to the Pre-filed Direct Testimony of Charles Pickney, Jr.

- 1. Q: Please identify the documents marked as "Pigeon Forge Exhibit 4."**

**A:** These are letters dated February 12 and February 27, 2003, from the City to the Petitioner.
  
- 2. Q: What is the purpose of these letters?**

**A:** These letters are standard, form letters that are routinely issued to explain whether the City offers sewer service in a particular area. The City receives

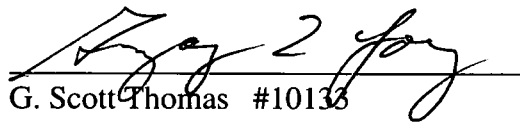
numerous requests by developers with respect to whether the City provides sewer service to a particular area. These letters are routinely issued in response to developers and utilities that seek to provide sewer service in areas where municipal sewer service is not available. These letters were not intended to be an expression of the City's support for Petitioner's petition for a certificate of convenience and necessity to cover the entire urban growth area.

3. Q: Does this conclude your testimony?

A: Yes.

Dated this 7<sup>th</sup> day of July, 2004.

Respectfully submitted,



G. Scott Thomas #10133

Gregory T. Young #21775

Bass, Berry & Sims, PLC

AmSouth Center

315 Deaderick Street, Suite 2700

Nashville, TN 37238

615-742-6200

*Attorneys for the City of Pigeon Forge, Tennessee*

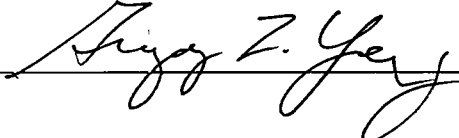
**CERTIFICATE OF SERVICE**

I hereby certify that a true and exact copy of the foregoing has been served on the following, via U.S. Mail, postage prepaid, this the 7<sup>th</sup> day of July, 2004.

Mark Jendrek  
Mark Jendrek P.C.  
P.O. Box 549  
Knoxville, TN 37901

Charles B. Welch, Jr.  
Farris, Matthews, Branan, Bobango & Hellen, PLC  
618 Church Street, Suite 300  
Nashville, TN 37219

Donald L. Scholes  
Branstetter, Kilgore, Stranch & Jennings  
227 Second Avenue North, 4<sup>th</sup> Floor  
Nashville, TN 37201-1631

  
\_\_\_\_\_

## **Pigeon Forge Exhibit 4**



**PIGEON FORGE**  
T • E • N • N • E • S • S • E

**DEPARTMENT OF PUBLIC WORKS**  
COMMUNITY DEVELOPMENT DIVISION  
**JOHN JAGGER**  
DIRECTOR

February 12, 2003

Mr. Michael Hines  
Vice President  
On-Site Systems, Inc.  
P.O. Box 22771  
Knoxville, TN 37933-0771

RE: OSI request to TRA for exclusive coverage of Sevier County

Dear Mr. Hines:

In your letter of January 10, you informed me that your firm is preparing a petition to the Tennessee Regulatory Agency requesting a Certificate of Convenience and Necessity to cover the remaining areas of Sevier County where municipal or county sewers are not available, including the unincorporated portion of the Pigeon Forge Planning Region. After discussing this issue with the city manager and city attorney, we believe that the City of Pigeon Forge should take a neutral stance on this matter, neither supporting nor opposing the request.

Thank you for keeping us informed of your intentions.

Sincerely,

John Jagger  
Community Development Director

xc: Earlene Teaster  
Jim Gass



February 27, 2004

Mr. Michael Hines, M.S., P.E.  
Tennessee Wastewater Systems, Inc.  
P. O. Box 22771  
Knoxville, Tennessee 37933-0711

Dear Mr. Hines

This letter serves to advise you that the City of Pigeon Forge presently has no plans to provide City sewer service to its urban growth area within the next twelve (12) months. As you know, the present policy is to provide sewer service to the incorporated areas only.

Thanks for your inquiry. If I can provide further information, please let me know.

Sincerely,

CITY OF PIGEON FORGE

Earlene M. Teaster  
City Manager

EMT:sg